

CHAPTER 96: PARKS AND RECREATION

Section

General Provisions

- 96.01 Use and privilege; use by organized groups or clubs
- 96.02 Hours of operation
- 96.03 Operation of motor vehicles
- 96.04 Animals in parks
- 96.05 Prohibited activities
- 96.06 Regulated special event

Park Board

- 96.15 Creation
- 96.16 Membership specifications
- 96.17 Appointment of members; term; compensation
- 96.18 Officers
- 96.19 Powers and duties
- 96.20 Reports and records
- 96.21 Removal of members
- 96.22 Oath
- 96.23 Levy of rental fee on certain enterprises doing business in city park

- 96.99 Penalty and enforcement

GENERAL PROVISIONS

§ 96.01 USE AND PRIVILEGE; USE BY ORGANIZED GROUPS OR CLUBS.

(A) City parks and recreational facilities are maintained and operated by the city primarily for the use of individuals, families, and small groups of recreation seekers and for picknickers who desire to avail themselves of the facilities offered by the city. No person, firm, or corporation shall hold, conduct, or attend any public meeting to be given by, under the auspices of, under the name of, or for the benefit

of any organized group or club, unless there has first been obtained written permission from the Mayor or city officer designated by the Mayor, to hold the affair pursuant to established guidelines for the issuance of such permits.

(B) The city assumes no responsibility for any use of any city park or recreational facility except for maintenance, control, and operation of same as a part of its park system and where other uses as herein are permitted, such uses shall be deemed a strict privilege, and the city assumes no responsibility whatsoever for loss, injury, or destruction to persons or property, whatever the cause, because of the exercise thereof and such privileges shall be subject to revocation at any time without notice and without payment of compensation or return of any fee.

(C) Any person or persons exercising any privilege in or upon any city park or recreational facility in the city, when such privilege is permitted and/or authorized together with all vehicles, and/or equipment used in connection with the exercise of such privilege shall be subject to all the regulations, limitations, restrictions, and penalties herein contained or hereafter imposed, all of which shall be subject to inspection.

(Ord. 22-03-01, passed 3-21-22)

§ 96.02 HOURS OF OPERATION.

(A) The city park and recreational system shall be open to the public between 6:00 a.m. to 11:30 p.m. The Mayor or city official designated by the Mayor, may grant written permission for use of any park or recreational facility outside of the posted time pursuant to established guidelines for the issuance of such permits.

(B) It shall be unlawful for any person to be in or on any city park or recreational facility or property without permission after said park or recreational facility or property has closed.

(Ord. 22-03-01, passed 3-21-22)

§ 96.03 OPERATION OF MOTOR VEHICLES.

(A) No person shall drive or operate any motor vehicle or any other vehicle upon any park or recreational facility or property, except on the roadway provided for that purpose.

(B) No person not employed by the city, shall operate any ATV (all-terrain vehicles) in any park or recreational facility or property at any time without the express written permission of the Mayor or city official designated by the Mayor.

(C) No person shall drive any vehicle within any park or recreational facility or property at a speed greater than 15 miles per hour. Whoever violates any provision of this section shall be subject to the fine schedule set forth in KRS 189.394,

(D) It shall be unlawful to operate said motor vehicles beyond any gate, cable, or any other obstruction, or proceed beyond any parking area or sign prohibiting such travel, except for city owned and operated vehicles, unless written permission is received from the Mayor or city official designated by the Mayor.

(E) It shall be unlawful for vehicles to be parked other than in the designated parking areas. Existing regulations regarding handicapped parking apply. Vehicles in violation may be towed at the owner's expense.

(F) It shall be unlawful for any person to perform vehicle repairs in any city park or recreational facility or property.

(G) No person or persons shall operate a motor vehicle of any kind upon the grounds of the Benton City Park in a careless, irregular, improper or reckless manner, or drive or operate so as to damage the roads or grounds or any other property in the Park.

(Ord. passed - - ; Am. Ord. 22-03-02, passed 3-21-22) Penalty, see § 96.99

§ 96.04 ANIMALS IN PARKS.

(A) Other than areas specifically designated by the city for dogs, dog parks, no person shall take any dog or other animal on or within any park or recreational facility or property unless it is held by a leash, chain, or cord held by that person at all times. No person shall permit any animal of any kind to run at large upon or within the parks or recreational facility or property, nor shall any animal be tied to any tree, plant, or shrub in any park or recreational facility or property by any person.

(B) Any animal that constitutes a physical threat to human beings or other animals by its demeanor or actions shall be prohibited from being in a city park or recreational facility or property.

(C) No animal that constitutes a nuisance by odor, noise, or other means shall be permitted in any city park or recreational facility.

(Ord. 22-03-01, passed 3-21-22) Penalty, see § 96.99

§ 96.05 PROHIBITED ACTIVITIES.

The following activities are prohibited in the Benton City Parks:

(A) *Alcoholic beverages.* No person shall possess or consume any alcoholic beverage in any park or recreational facility or property, except as a planned event with the written permission of the city.

(B) *Artifacts.* It shall be unlawful for any person, firm, corporation, or other entity to remove or possess any artifacts or other items from any city park or recreational facility or property.

(C) *Camping*. It shall be unlawful to camp overnight in any city park or recreational facility or property, except as a planned event with permission of the city. Any authorized camping shall be done only in areas designated by the city.

(D) *Cooking*. No person shall make, set, cause, or use any fire within any city park or recreational facility or property except in grills provided by the city, and only for the purpose of cooking food, within the park property for that purpose, unless they have first obtained written permission to do so from the city.

(E) *Destroying park or recreational facility or property*.

(1) It shall be unlawful for any person to take, carry away, disturb, molest, destroy, mar, deface, mutilate, mark, or damage any tree, shrubbery, or any other property within the parks or recreational facilities.

(2) It shall be unlawful for any person to remove any object, abuse, deface, or alter the park system, including properties and equipment associated with the park or recreational system.

(3) It shall be unlawful for any person to cut or remove any trees, flowers, or vegetation within any city park or recreational facility (except when required for reasons of public safety or maintenance and then only by the city Public Works Department personnel, or agents/contractors of the city or utility companies operating within their easements).

(F) *Excavating*. It shall be unlawful for any person, firm, corporation, or other entity to excavate in any city park or recreational facility without written permission of the city.

(G) *Fireworks*. It shall be unlawful to possess any fireworks anywhere in any city park or recreational facility or property except as a planned event with written permission of the city.

(H) *Hunting*. It shall be unlawful to hunt, trap, or in any way injure or molest any wild animal found within any city park or recreational facility (except when required for reasons of public safety or as authorized by the city or a Conservation Officer with the Kentucky Department of Fish and Wildlife).

(I) *Littering*. No person shall throw or deposit litter in any park or recreational facility or property within the city except in trash receptacles provided for that purpose and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where trash receptacles are not provided, all such litter shall be carried away from the park or recreational facility by the person responsible for its presence and properly disposed of.

(J) *Smoking*. It shall be unlawful to smoke or use tobacco in any city park building or facility except in designated smoking areas.

(K) *Swimming*. It shall be unlawful to swim or otherwise enter any body of water in any city park or recreational facility or property unless otherwise designated by the city for swimming. (Ord. passed 8-15-94; Am. Ord. 22-03-01, passed 3-21-22) Penalty, see § 96.99

§ 96.06 REGULATED SPECIAL EVENT.

(A) For the purpose of this subchapter, ***REGULATED SPECIAL EVENT*** is defined as any event scheduled in the city park that involves an anticipated gathering of 50 or more individuals, that because of the nature of the event certain safety guidelines are necessary and has the potential of disturbing the peace and enjoyment of the neighborhood. Such an event includes but is not limited to “demolition derbies” and other like events but does not include organized sporting events, which are subject to the other regulations of this chapter and any current or future policies adopted by the Marshall County Park Board.

(B) In addition to the other rules and regulations of this chapter, any regulated special event is subject to the following additional rules and regulations:

(1) The sponsor of the event shall provide on sight Emergency Medical Technicians (EMT), law enforcement and fire protection at the expense of the sponsor.

(2) The sponsor of the event shall have insurance for the scheduled event, including but not limited to general public liability and other insurance required of it under Kentucky’s laws or regulations including worker’s compensation, for its agents, servants and employees and shall furnish the city with proof of such insurance at least seven days prior to the scheduled event.

(3) The sponsor of the event shall insure that the event strictly follows the park hours of operation so as not to disturb the neighborhood any more than is necessary.

(4) Within 24 hours after the conclusion of the event, the sponsor of the event shall insure and be responsible for the cleanup and removal of the event debris and trash accumulated on the park premises.

(5) Any use of any amplifiers or amplification equipment in the park for the purpose of amplifying music or the human voice shall be limited to no more than is necessary for the event and is strictly prohibited between the hours of 11:30 p.m. to 6:00 a.m.

(Ord. 22-03-01, passed 3-21-22) Penalty, see § 96.99

PARK BOARD**§ 96.15 CREATION.**

Pursuant to KRS Chapter 97 there is created a Park Board to be known as the “Benton City Park Board” and consisting of seven persons to be selected by the Mayor.
(Ord. passed 2-5-62; Am. Ord. 97-02-01, passed 2-18-97)

§ 96.16 MEMBERSHIP SPECIFICATIONS.

All persons selected for the Park Board must meet the following qualifications:

(A) They must be residents of the city and over the age of 21 years.

(B) No two members of the same household shall serve on the Park Board at the same time.
(Ord. passed 2-5-62; Am. Ord. 22-03-01, passed 3-21-22)

§ 96.17 APPOINTMENT OF MEMBERS; TERM; COMPENSATION.

Persons selected for Board members shall hold office for four years and until their successors are appointed and qualified, except that three members of the first Board appointed shall be appointed for a term of one year. The members of the Board appointed shall not receive any salary for their services. The Board shall be a corporation with perpetual succession and may, in its corporate name, contract and be contracted with, sue and be sued, have and use a corporate seal and alter or renew it at pleasure.
(Ord. passed 2-5-62)

§ 96.18 OFFICERS.

As soon as it is convenient, the members of the Board shall meet and choose a President and a Secretary from among its members each to serve for a term of one year, and annually thereafter a President and Secretary shall be chosen. The duties of the officers shall be the usual duties incumbent upon an office and other duties as the Board prescribes.
(Ord. passed 2-5-62)

§ 96.19 POWERS AND DUTIES.

The Board shall have the care, management and control of all parks and playgrounds within the limits of the city, shall lay out and improve them with walks, drives, roads and trees, and provide for

the proper lighting of the parks and playgrounds. The Board shall not have the power to demolish any structure or facility now located in the parks with the express approval of the City Council. In addition to the above, any space leased to any group, individual, person or corporation shall first be approved by the City Council.

(Ord. passed 2-5-62)

§ 96.20 REPORTS AND RECORDS.

The Park Board shall keep a set of books showing the receipts and expenditures of the Board. The books shall at all times be subject to examination by the Mayor or any committee of the City Council appointed for that purpose. The Board shall, each January, transmit to the Mayor and legislative body a full report of the acts of the Board for the preceding year, with a complete and itemized account of all receipts and expenditures of money, and estimate of the money needed for park and playground purposes for the coming fiscal year.

(Ord. passed 2-5-62)

§ 96.21 REMOVAL OF MEMBERS.

All persons appointed to the Park Board shall be subject to removal at the pleasure of the Mayor.

(Ord. passed 2-5-62)

§ 96.22 OATH.

Each person appointed to the Board shall appear before the City Clerk and make and subscribe to an oath that he will faithfully, diligently and to the best of his ability perform all the duties as member of the Board; that he or she will not in any manner, directly or indirectly, be concerned in any contract, purchase, sale or emolument of any kind in connection with or growing out of any business of the Board or the providing, purchasing, managing or improving, of any park or playground property. The oath shall be filed in the office of the City Clerk and shall be a public record.

(Ord. passed 2-5-62)

§ 96.23 LEVY OF RENTAL FEE ON CERTAIN ENTERPRISES DOING BUSINESS IN CITY PARK.

(A) The City Park Board is hereby authorized to levy a fee of 10% of the gross receipts of any profit making organization or enterprise conducting the business within the City Park of Benton which a 10% fee will be in lieu of any and all other rental charge for the use of space or privilege of the city park.

Benton - General Regulations

(B) Nothing contained in this section shall be construed to affect any organizations or enterprises who have heretofore negotiated with the City Park Board and are now conducting their businesses under terms of lease executed prior to the adoption of this section.

(C) This section is not intended to supplement any city license that may be required by any enterprise doing business in the city, but is to be a rental charge in addition to any license fees imposed, the rental charge is to cover the use of the park and its facilities.

(Ord. passed 4-17-61) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Any violation of this chapter may be enforced by the Benton City Police Department or Marshall County Sheriff’s Department as a misdemeanor through District Court unless a stronger penalty is allowed by the KRS.

(B) As an alternative to enforcement through District Court, any violation of this chapter shall constitute a civil offense pursuant to KRS 654.8808(1) unless otherwise prohibited by KRS 65.8808(3) and enforced by Benton’s Code Enforcement Board under Chapter 41 of the Benton Code of Ordinances with the amount of the penalties being as follows:

<i>Violation</i>	<i>Amount</i>
96.05 - Possession of intoxicating beverages in park	\$100
Any offense of the chapter not otherwise specifically addressed	\$50

(C) In the event a violation is enforced as a civil penalty then the same violation shall not be enforced as a criminal penalty.

(D) The city may abate the nuisance and bring the property in compliance with the provisions of this chapter. In addition to any penalties or fines for violating the provisions of this chapter, the city may charge the violator, or owner of the property where the violation occurred, with the reasonable cost of abatement. Abatement cost shall be the cost incurred for the abatement. All abatement cost can be taxed to the violator/owner and if not paid within 30 days after notice of the abatement cost incurred, a lien may be placed on the violator’s/owner’s property for the unpaid abatement cost.

(E) Each day during which a stationary violation continues, except in cases in which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.

(Ord. passed 8-15-94; Am. Ord. 22-03-02, passed 3-21-22; Am. Ord. 23-03-07, passed 3-20-23)